

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

IN RE: §  
MARIO AND IRMA CANO, § CASE NO. 07-10054  
DEBTORS §

**MOTION TO PAY FUNDS INTO THE REGISTRY OF THE COURT**

THE UNDERSIGNED TRUSTEE REPORTS:

Comes Now, Chapter 7 Trustee, Michael B. Schmidt ("Trustee") and files this Motion to Pay Funds into the Registry of the Court and would show as follows:

1. Debtors filed their Ch 7 Petition in Bankruptcy on January 29, 2007 and claimed the following as non-exempt property of the Bankruptcy Estate: A cause of action arising out of an motor vehicle accident occurring on or September 14, 2004 at the 4000 block of Boca Chica Boulevard in Brownsville, Cameron County, Texas and alleging a negligence claim against Martina Ruiz in the law suit entitled Mario Cano and Irma Cano; In the County Court at Law #1, Cameron County, Texas; Cause No. 2005-CCL-01438-A (the "Law Suit").

2. Trustee settled the lawsuit, received the funds and has filed his Report of Distribution with a surplus going to the Debtors.

3. After review of Debtors filing and information received from Debtor, Irma Cano, it appears that the Debtors have been separated for some time but do not have any legal documentation showing division of their property.

4. Trustee is unable to determine which Debtor(s), if not both, these funds belong to and which address to mail the check to.

5. Therefore, Trustee is requesting the funds be placed for safekeeping into the registry of this Court until Debtors can provide sufficient evidence to the Court as to who properly owns the funds.

WHEREFORE, the Trustee prays that this Court grant his and enter an order accordingly. The Trustee prays for any additional relief to which he may be entitled.

Respectfully submitted:  
Law Office of Michael B. Schmidt

Date: October 18, 2010

/S/MICHAEL B. SCHMIDT  
Michael B. Schmidt, Trustee

555 N. Carancahua, Ste. 1550  
Corpus Christi, TX. 78478  
361/884-9949 Fax: 361/884-6000

**Certificate of Service**

I certify that on this date, a copy of the foregoing Motion was served electronically and/or mailed to the United States Trustee, Debtors counsel and Debtors on the 18th day of October, 2010.

/S/MICHAEL B. SCHMIDT  
Michael B. Schmidt

Eduardo Rodriguez  
1265 N. Expressway 83  
Brownsville, TX 78520

US Trustee  
606 N. Carancahua, #1106  
Corpus Christi, TX 78476

Irma Cano  
623 Pera Ave.  
Brownsville, TX 78521

Mario Cano  
7109 Beachway  
Brownsville, TX 78521

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**ORDER TO PAY FUNDS INTO THE REGISTRY OF THE COURT**

Came on for consideration, Trustee's Motion to Pay Funds into the Registry of the Court, and the court, having considered the motion, is of the opinion that the Motion is well taken, it is therefore,

ORDERED that Michael B. Schmidt, Trustee is authorized to pay the funds in the above styled and numbered case, together with any accrued interest thereon, into the Registry of the Court in the amount of \$7,695.89.

Date:

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Hon. Richard Schmidt  
U.S. Bankruptcy Judge